

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

FREDERICK QASIM KHAN	§	CIVIL ACTION
Plaintiff	§	
	§	
VS.	§	NO. 4:21-cv-660
	§	
WALMART INC., WALMART	§	
SUPERCENTER AND WALMART	§	
STORES TEXAS, LLC	§	
Defendants	§	JURY

NOTICE OF REMOVAL

TO THE UNITED STATES DISTRICT COURT:

Defendant WALMART STORES TEXAS, LLC (INCORRECTLY NAMED AS WALMART INC. and WALMART SUPERCENTER), pursuant to 28 U.S.C. §§ 1332, 1441 and 1446 *et seq.*, provides notice of removal of this action styled *Frederick Qasim Khan vs. Walmart Inc., Walmart Supercenter and Walmart Stores Texas, LLC*; Cause No. 2021-06305, currently pending in the 157th Judicial District Court of Harris County, Texas, and in support thereof, respectfully shows this Court as follows:

1. Plaintiff, Frederick Qasim Khan, filed his Original Petition on February 2, 2021, claiming damages from boxes falling onto Plaintiff. Plaintiff served Defendant with the citation on February 3, 2021; therefore, this notice is timely under 28 U.S.C. § 1446(b).

2. Pursuant to 28 U.S.C. §1446 and the Local Rules of the United States District Court for the Southern District of Texas, attached are the following:

- a. All executed process in the case (Exhibit A);
- b. Pleadings asserting causes of action and all answers to such pleadings (Exhibit B);
- c. All orders signed by the state judge (none);
- d. An index of matters being filed (Exhibit C);

- e. The docket sheet (Exhibit D);
- f. A list of all counsel of record, including addresses, telephone numbers, and parties represented (Exhibit E).

These documents represent all that are presently available as required.

4. The District Courts of the United States have original jurisdiction over this action by reason of diversity of citizenship between the parties. 28 U.S.C. §1332. Plaintiff's Original Petition states that Plaintiff, FREDERICK QASIM KHAN, resides in Harris County, Texas, and is a citizen of the state of Texas. Defendant, WALMART STORES TEXAS, LLC, is a corporation incorporated under the laws of the State of Delaware with its principal place of business in Bentonville, Arkansas, and thus is a citizen of the States of Delaware and Arkansas. Walmart Stores Texas, LLC is not now, nor was it at the time this action was commenced, a citizen of the State of Texas. Walmart, Inc., the parent company of Walmart Texas Stores, LLC, is incorporated in Delaware, with its principal place of business in Bentonville, Arkansas.

The sole member of Walmart Stores Texas, LLC, is Walmart Real Estate Business Trust, a Delaware business trust with its principal place of business in Arkansas. The sole unit holder of Walmart Real Estate Business Trust is Walmart Property Co., a Delaware company with its principal place of business in Arkansas, which is a wholly owned subsidiary of Walmart Stores East, LP. Walmart Stores East, LP, is a Delaware limited partnership with its principal place of business in Arkansas, of which WSE Management, LLC is the general partner, and WSE Investment, LLC, is the limited partner. WSE Management, LLC and WSE Investment, LLC are both Delaware limited liability companies with their principal places of business in Arkansas. The sole member of WSE Management, LLC, and WSE Investment, LLC, is Walmart Stores East, LLC (f/k/a Walmart Stores East, Inc.), a Delaware limited liability company with its principal place of business in Arkansas, whose parent company is Walmart, Inc.

5. Plaintiff's Original Petition in the state court seeks damages over \$1,000,000, and thus the amount in controversy exceeds the sum of seventy-five thousand dollars (\$75,000.00), exclusive of interests and costs.

6. Removal of this cause of action is proper under 28 U.S.C. §1441. It is a civil action brought in state court and the District Courts of the United States have original jurisdiction over this action under 28 U.S.C. §1332, since the plaintiff and the defendant are diverse in citizenship.

7. As required by 28 U.S.C. §1441, the 157th Judicial District Court of Harris County, Texas falls within the geographical purview of this Court, and thus, venue is proper in the United States District Court of the Southern District of Texas, Houston Division.

8. Written notice of the filing of this Notice of Removal is being promptly given to Plaintiff and a notice of Filing of Notice of Removal is promptly being filed with the 157th District Court in Harris County, Texas, as required by 28 U.S.C. §1446(d).

WHEREFORE, PREMISES CONSIDERED, Defendant, WALMART STORES TEXAS, LLC (INCORRECTLY NAMED AS WALMART INC. and WALMART SUPERCENTER), prays that the state action now pending in 157th District Court in Harris County, Texas, be removed to this Court, and for any further relief to which Defendant is justly entitled.

Respectfully submitted,

MEHAFFY WEBER, P.C.

/s/ Karen L. Spivey

KAREN L. SPIVEY

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ATTORNEY IN CHARGE FOR DEFENDANT,

WALMART STORES TEXAS, LLC

(INCORRECTLY NAMED AS WALMART INC.

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CERTIFICATE OF SERVICE

In addition to e-filing, this is to certify that a true and correct copy of the above and foregoing instrument has been forwarded by Certified Mail, return to receipt requested, to all counsel of record on this the 1st day of March, 2021 pursuant to both the Federal Rules of Civil Procedure and the Federal Rules of Civil Procedure.

/s/ Karen L. Spivey
KAREN L. SPIVEY